

**MINUTES OF THE
CHILD WELFARE LEGISLATIVE OVERSIGHT PANEL**
Tuesday, June 19, 2007 – 2:00 p.m. – Room W020 House Building

Members Present:

Sen. Dan R. Eastman, Senate Chair
Rep. Steven R. Mascaró, House Chair
Sen. Gene Davis
Rep. David Litvack
Rep. Paul Ray

Staff Present:

Mr. Mark D. Andrews, Policy Analyst
Mr. Thomas R. Vaughn, Associate General Counsel
Ms. Joy L. Miller, Legislative Secretary

Note: A list of others present, a copy of related materials, and an audio recording of the meeting can be found at www.le.utah.gov.

1. Committee Business

Chair Eastman called the meeting to order at 2:05 pm.

MOTION: Rep. Litvack moved to approve the minutes of the October 19, 2006 meeting. The motion passed unanimously.

2. Status of Federal Court Oversight

Mr. Craig Barlow and Ms. Susan Eisenman, Office of the Attorney General, briefed the Panel on the proposed agreement for existing federal court oversight which is to be considered at a hearing before Judge Tena Campbell on June 28. Mr. Barlow indicated that no written objections to the settlement were filed. He noted that the Milestone Plan has been replaced with very specific mathematical exit criteria in the scoring done in the case process review and qualitative case review evaluations and with basic commitments to continue excellent casework practice, management, and transparency.

Ms. Eisenman reviewed the provisions of the settlement agreement. She said on June 28 they will be jointly moving the court to dismiss the case without prejudice for a period of one year. In July 2008, the DCFS (Division of Child and Family Services) will be evaluated to determine if it is complying with the provisions of the agreement. On December 31, 2008, if there are no pending motions or orders concerning implementation of the agreement, the case will be dismissed with prejudice and no further court supervision will be required. Ms. Eisenman explained that DCFS is committed to making sure caseloads remain at a managing level to provide quality services to consumers and clients. It is also committed to ensure sufficient resources, keep budget information current, and keep its workforce intact.

The Panel discussed the hiring of 55 new caseworkers and the legal requirement to maintain a minimum number of caseworkers.

3. Management Information System

Sen. Davis expressed his concern regarding the MIS (Management Information System) and the possibility that it is being manipulated in custodial or noncustodial rights.

Mr. Vaughn reviewed "Management and Licensing Information Systems - an Overview" which was included in the mailing packet. He stated the MIS (Management Information System) is a system containing reports made to DCFS. The MIS is maintained by DCFS and may only be accessed by statutorily authorized people. It is used for child protection purposes, including licensing foster parents. The LIS (Licensing Information System) is a system within the MIS that is accessed for purposes of

licensing individuals who have physical access to vulnerable populations for employment or volunteer positions. Mr. Vaughn explained that if DCFS makes a supported finding, notice is sent to the person alleged to have committed the neglect. The accused has one year in which to appeal the allegation of abuse. The appeal can be made to DCFS for an administrative hearing or directly to court. If the appeal is made to DCFS with an unfavorable result, it can be appealed to the court. If DCFS makes a finding of unsupported or without merit, the person is not notified that their information is on the MIS system.

Mr. Duane Betournay, DCFS, stated that an unsupported finding would not be used as a reason to deny a licence to a foster parent or adoptive parent. If someone has an unsupported finding, they can ask for an administrative hearing to have it changed to without merit or petition the court to have their record expunged. An unsupported finding carries no prohibition against a property right. If a person has a supported finding on the MIS, unless it is of a severe or chronic type, it would not appear on the LIS.

Mr. Mark May, Assistant Attorney General, explained that if a person appeals to the juvenile court and after the ruling it goes to the court of appeals, it becomes a public record. He noted that initials rather than the name of the child are usually used. He stated he was not certain whether the petitioner's name would be made public. He indicated he would email that information to the Panel.

Ms. Katie Gregory, Assistant Juvenile Court Administrator, said when juvenile courts were opened to the public, the proceedings themselves were opened, however, the records are protected. A motion can be filed requesting permission to see the records. She said she would try to determine whether or not the cases in question would be governed by the same set of rules that would govern a child welfare case that would come before the court.

Mr. Vaughn stated there is a fairness issue and the need to protect children. He indicated that the Panel may want to consider requiring better guidelines and communications between DCFS and the courts.

Members of the Panel discussed the problems that have been caused because individuals have had their names placed on the MIS even when there has been an unsupported or without merit finding.

Chair Eastman indicated that discussion of the issue would be continued in a future meeting.

Mr. Betournay briefly commented on the settlement agreement to the lawsuit. He said the creation of the systemic change to the child welfare system, transparency, and legislative investment has helped reach the agreement. DCFS is ready for the challenges of the next year and a half. He asked that the Legislature continue to support the system and to resist the efforts of a few to make wholesale changes to the system.

4. Other business

The next meeting of the Panel was scheduled for September 20 at 2:00 p.m.

5. Adjourn

MOTION: Sen. Davis moved to adjourn. The motion passed unanimously.

Chair Eastman adjourned the meeting at 3:30 p.m.